

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF TEXAS
WACO DIVISION

UNITED STATES OF AMERICA	§	
	§	
vs.	§	NO: WA:20-CR-00184(1)-ADA
	§	
(1) JEFFERY LEN KOESTENS	§	

ORDER ACCEPTING REPORT AND RECOMMENDATION
OF THE UNITED STATES MAGISTRATE JUDGE

Before the court is the above styled and numbered cause. On August 8, 2023 the United States Probation Office filed a Petition For Warrant or Summons For Offender Under Supervision for Defendant (1) JEFFERY LEN KOESTENS, which alleged that Kostens violated a condition of his supervised release and recommended that Kostens 's supervised release be revoked (Clerk's Document No. 82). A warrant issued and Kostens was arrested. On September 13, 2023, Kostens appeared before a United States Magistrate Judge, was ordered detained, and a revocation of supervised release hearing was set.

Kostens appeared before the magistrate judge on September 26, 2023, waived his right to a preliminary hearing and to be present before the United States District Judge at the time of modification of sentence, and consented to allocution before the magistrate judge. Following the hearing, the magistrate judge signed his report and recommendation on September 27, 2023, which provides that having carefully considered all of the arguments and evidence presented by the Government and

Defendant, based on the original offense and the intervening conduct of Kostens, the magistrate judge recommends that this court revoke Kostens supervised release and that Kostens be sentenced to imprisonment for Three (3) months, with credit for time served, with no term supervised release to follow the term of imprisonment (Clerk's Document No. 93).

A party may serve and file specific, written objections to the proposed findings and recommendations of a magistrate judge within fourteen days after being served with a copy of the report and recommendation, and thereby secure a *de novo* review by the district court. *See* 28 U.S.C. § 636(b); Fed. R. Civ. P. 72(b). A party's failure to timely file written objections to the proposed findings, conclusions, and recommendation in a report and recommendation bars that party, except upon grounds of plain error, from attacking on appeal the unobjected-to proposed factual findings and legal conclusions accepted by the district court. *Douglass v. United Services Auto Ass'n*, 79 F.3d 1415 (5th Cir. 1996) (*en bane*). The parties in this cause were properly notified of the consequences of a failure to file objections.


On September 26, 2023, following the hearing on the motion to revoke supervised release, all parties signed a Waiver Of Fourteen Day Rule For Filing Objections To Report and Recommendation Of United States Magistrate Judge (Clerk's Document No. 91). The court, having reviewed the entire record and finding no plain error, accepts and adopts the report and recommendation filed in this cause.

IT IS THEREFORE ORDERED that the Report and Recommendation of the United States Magistrate Judge filed in this cause (Clerk's Document No. 93) is hereby ACCEPTED AND ADOPTED by this court.

IT IS FURTHER ORDERED that Defendant (1) JEFFERY LEN KOESTENS's term of supervised release is hereby REVOKED.

IT IS FURTHER ORDERED that Defendant (1) JEFFERY LEN KOESTENS be imprisoned for Three (3) months with no term of supervised release, with credit for time served.

Signed this 10th day of October, 2023.


ALAN D ALBRIGHT
UNITED STATES DISTRICT JUDGE